

Indiana Department of Child Services Ombudsman Bureau

DCS Ombudsman Procedures

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This document outlines the general policies and procedures designed to guide the operations of the DCS Ombudsman Bureau. The procedures will be revised periodically to reflect updated changes in policies and practice.

Indiana Department of Child Services Ombudsman Bureau

DCS Ombudsman Procedures

IC 4-13-19 established the Department of Child Services Ombudsman Bureau. The following operational procedures have been developed to enable the Ombudsman to execute the responsibilities of the office as mandated.

Mission Statement: The DCS Ombudsman Bureau effectively responds to complaints concerning DCS actions or omissions by providing problem resolution services and independent case reviews. The Bureau also provides recommendations to improve DCS service delivery and promote public confidence.

Guiding principles:

- A healthy family and supportive community serve the best interest of every child.
- Independence and impartiality characterizes all Bureau practices and procedures
- All Bureau operations reflect respect for parents' interest in being good parents and DCS professional's interest in implementing best practice.

Intake Process

The DCS Ombudsman Bureau can be contacted via telephone, mail or email. The identity of the complainant is confidential pursuant to IC 4-13-19-7 (3). The Department of Child Services Ombudsman telephone line at 317-234-7361 or 1-877-682-0101 will be answered by the ombudsman and/or the ombudsman assistant whenever possible. In the event the call is answered by voice mail, the caller will be instructed to leave a message for a return call. Contact can also be made by sending an email message to DCSOmbudsman@idoa.in.gov or addressing a letter to the DCS Ombudsman Bureau at the Indiana Department of Administration. Email and telephone responses should occur within twenty four business hours. All complainants will be asked to complete the DCS Ombudsman Complaint Form, if they wish to file a formal complaint to generate an open case. The form can be found on the DCS Ombudsman Bureau website at www.in.gov/idoa/2610.htm or will be mailed to the constituent upon request. The form also provides the complainant the opportunity to indicate permission to disclose his/her identity to DCS. Generally speaking, the level of intervention required by the ombudsman will not be clear upon the receipt of the form and further assessment will be required. The extent of this initial assessment will vary, depending on the circumstances, but the purpose is to gather the information necessary to make a decision regarding the appropriate course of action for the office of the ombudsman.

Information and Referral Inquiries

Information and referral inquiries require the least amount of intervention. Persons contacting the ombudsman who are seeking general information and/or consultation about the office or the

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Department of Child Services and do not wish to file a complaint, are more appropriately served by the short term response of information and referral services. For information and referral inquiries the ombudsman or ombudsman assistant will provide the requested information, consultation, education and/or referrals. The completion of the Complaint Form is not required in these cases and a paper case file is not opened. All Information and Referral contact information is recorded in the DCS Ombudsman Information and Referral Contact Log database, which serves as the record keeping mechanism for tracking this activity.

Formal Complaints

Upon receipt of the complaint form, a paper case file is opened. At this point an intake assessment occurs by gathering enough preliminary information to determine the appropriate response. Based on this information the ombudsman may:

1. *Refer the case back to the local agency* (This would occur if it was determined that the complainant had not completed the DCS internal complaint process prior to filing the complaint.)
2. *Refer the case to the Child Protection Team (CPT)* to review per protocol developed between DCS and the Ombudsman Bureau.
3. *Review/Resolve/Refer* (This involves reviewing the matter fully until a resolution can be reached or a referral is made to a person/agency that can affect a resolution.)
4. *Investigate*
5. *Decline to Accept the Case*
6. *Close/Client withdrew*
7. *File a CAB/NE report*

The complainant will be notified as to the ombudsman's decision.

Other Investigations

The ombudsman may initiate an own motion investigation without a formal complaint when information is received about a matter that warrants further review or action by the ombudsman and consideration of the matter would be consistent with the purposes of the DCS Ombudsman statute. Such investigations would involve a review of relevant policies and procedures with a view toward the safety and welfare of the children. The DCS Call Center forwards all child fatalities and near fatalities that have a DCS history to the attention of the ombudsman for consideration.

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Case Acceptance Guidelines

The DCS Ombudsman Bureau requires that the complainant attempt to resolve the complaint with the DCS local office Family Case Manager and/or Supervisor, Director or Regional Manager before seeking the services of the DCS Ombudsman Bureau. If this process did not result in a resolution, the DCS Ombudsman Bureau will consider the complaint.

IC 4-13-19 defines the jurisdiction of the ombudsman's authority. Cases accepted by the DCS Ombudsman Bureau will involve allegations that:

- DCS by action or omission failed to protect the physical or mental health or safety of the child, or DCS failed to follow specific laws, rules or written policies that occurred after January 2005.

Complaints will not be accepted for review if:

- There is an Administrative Review in progress or the matter is otherwise involved in litigation regarding the same issue
- The complaint is seeking redress for grievances over which the ombudsman has no jurisdiction
- A complaint is from an employee of DCS that relates to the employee's relationship with DCS
- The primary problem is a custody dispute between the parents
- The complaint is primarily vexatious in nature.

Triaging and Prioritizing Cases

Declining cases should be the exception, not the norm, as the purpose of the Bureau is to be of service. Nevertheless, there will be times when it is inappropriate for the Bureau to intervene or the Bureau simply does not have the ability to help. Furthermore the DCS Ombudsman Bureau will provide information, education, assist with options, and make every effort to resolve the issue at the lowest level of intervention prior to considering launching an investigation. In the event the resources of the Department of Child Services Ombudsman are insufficient to adequately manage the number of complaints received, priority will be given to complaints in which:

- The safety of a child is at issue
- A resolution could benefit a child
- There are significant policy issues that affect a large number of children/families

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Notification and Communication

Complainant

The complainant is notified upon receipt of the complaint form to inform the complainant that the agency is in receipt of the complaint and in the process of determining a response. If the ombudsman has additional questions, the complainant may be contacted in the course of the preliminary assessment. The complainant is notified in writing pursuant to IC4-13-19-5 and IC 31-33-18 as to the outcome of the ombudsman involvement. Only investigations generate formal reports. Outcomes of all other types of responses are summarized in letter format.

DCS/ Field Staff

When a complaint form is received by the DCS Ombudsman Bureau, an email is sent to the Local Office Director, with a copy to the Regional Manager to notify them that a complaint has been filed. If a case is subsequently declined, an email will also be sent to the Director with a copy to Regional Manager. After the notice is given to the Director, the ombudsman will indicate which staff persons will need to be interviewed and documentation to be provided. The Ombudsman and LOD will discuss how and when this will occur and the preferred process for subsequent communication regarding this particular complaint. If a case is opened, but a resolution is reached during a preliminary review, a letter or email summarizing the resolution and a notification regarding the claim validity will be sent to the Director with a copy to the Regional Manager. In the event the claim had merit in resolved cases, recommendations may be offered. If an investigation is completed, a draft of the Investigation Report will be submitted to the DCS LOD to fact check and return prior to the finalization. When the report is finalized, it is submitted to the Local Office Director and Regional Manager. If there are no problems identified, the case will be closed after the agency and complainant are notified of the findings. If problems are identified the report will include recommendations, with a request to the agency to respond within sixty days. The DCS Ombudsman investigation will be closed, but the file will remain open until a response is received from DCS. The Bureau will follow up to ensure all recommendations have responses and the date of the receipt of the responses will be recorded in the database.

The Investigation Process

A decision to launch an investigation is made when the information provided indicates a minimal chance for a resolution and it is determined the most beneficial response would be an objective review of the information, analysis, findings and recommendations, if applicable. Consideration is also given to the credibility of the allegations as they pertain to safety and/or failure to follow laws, rules and written policies in addition to child well being and systemic implications. The investigation will include a review of pertinent documentation, and interviews with the agency staff and other professionals/parties who have information relevant to the case. Upon occasion it may be necessary to interview the parties in the case. The Ombudsman will access ICWIS assessment/case information directly. DCS staff may be

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requested to provide additional documentation that is not available in ICWIS. At times it may be necessary to review the legal file. All relevant laws and policies are researched. After the completion of the investigation, a report will be written with details of the findings and the claim validity in the DCS Ombudsman Bureau Investigation Report format. In the event the findings reveal the complaint had merit and/or problems were identified, the DCS Ombudsman Bureau may recommend that DCS consider the matter further, modify or cancel its actions, alter a rule, order or internal policy, or explain more fully the action in question. As stated above, DCS will then be given sixty days to respond to the recommendations informing the DCS Ombudsman Bureau about the action taken on the recommendations.

Review/Resolve/Refer Process

Not all complaints call for a formal investigation, but many require a thorough review nevertheless. In this type of response DCS case files are reviewed in addition to relevant DCS laws and policies. The local office director responds to ombudsman inquiries. Options for resolutions are then sought. If a resolution is not a viable option, a referral is made to a process and/or venue that may be of assistance.

Referral to Child Protection Team

When the ombudsman assesses that it would be beneficial for the issues in a complaint to be addressed by the Child Protection Team, a referral is made for a CPT review. The ombudsman submits a referral with specific issues to be addressed to the LOD. CPT provides recommendations and/or additional oversight if necessary.

Complaint Validity

When an allegation in a complaint is determined to be valid, it is said to have merit. Conversely, when an allegation is determined to be invalid, it is said not to have merit.

- All investigations receive a validity determination.
- Most Review/Resolve/Refer complaints receive a validity determination unless:
 - There was insufficient information to make a determination
 - The primary issue causing the problem was communication
 - The nature of the review was such that a validity determination would serve no purpose
- CPT referrals generate a validity determination based on the outcome of the CPT review.

Turnaround Time

It is the goal of the DCS Ombudsman Bureau to provide timely responses to inquires and complaints.

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The turnaround time for completion of a case will vary depending on the complexity of the case. Information and Referral Inquiries receive a response within 24 business hours. Persons who file a complaint receive acknowledgement that the complaint has been received within 24 business hours. Reviewed/Resolved/Referred cases are completed in 30 to 60 business days, and investigations are completed in 60 to 90 business days. Cases that are referred to CPT may take longer because the team usually meets monthly.

DCS Ombudsman Bureau Record Keeping

Information and Referral Database

All email and phone contacts are recorded in the Information and Referral Contact Log database. This data base includes caller information, the reason for the call and the outcome. There are no paper files for these contacts.

Case Database

All cases are recorded in the Case Information Database. The information entered includes demographic information and a synopsis of Bureau activity. Various reports can be generated from the database. This summary serves as a face sheet for the paper file.

Case File

All cases have a paper file, which includes the complaint form, DCS case information, correspondence and collateral information.

Reports

A quarterly report of the ombudsman activities will be provided to the Department of Child Services Director, the Department of Child Services Chief of Staff, the Department of Child Services Deputy Director of Field Operations, the Governor's Office and the Commissioner of the Indiana Department of Administration with the first quarter ending March 31, of each year. The activity report includes a numerical count summary of the activity, details of the Information and Referral Contacts by Region, details of the Case Activity by Regions, and Recommendations and Responses. The annual report will be submitted by the end of January 31, each year and will include general information about the activity of the office, the complaints, outcomes, recommendations provided and responses. The report is available to the public and is posted on the website.

Recommendations

At the completion of an investigation or review, case specific recommendations are offered and the local office responds to the recommendations within 60 days. General recommendations regarding policies and procedures are offered to Central Office each quarter and responses are also requested

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within 60 days. The recommendations offered and responses are tracked and recorded by the ombudsman and included in each quarterly report. Follow up is implemented as needed.

Responsibilities of the DCS Ombudsman

- Perform statutory duties as enumerated in IC 4-13-19.
- Establish procedures to receive resolve and investigate complaints.
- Resolve and investigate complaints.
- Notify all parties of investigation results.
- Make recommendations based on investigative findings.
- Develop a case tracking system.
- Review policy and procedures with a view toward the safety and welfare of children.
- When appropriate, refer a person making a report of child abuse or neglect to the Department of Child Services and/or the appropriate law enforcement agency.
- Recommend changes in procedures for investigating reports of abuse and neglect and overseeing the welfare of children who are under the jurisdiction of a juvenile court.
- Develop a program of public education regarding the legal rights of children.
- Make the public aware of the office of the Ombudsman.
- Provide periodic reports to the Legislature, the Governor and the IDOA Commissioner regarding the activities of the DCS Ombudsman.
- Manage the budget.

Access and Confidentiality

Complainant's Identity

Pursuant to IC 4-13-19-7 (3) except as necessary to investigate and resolve a complaint, the identity of the complainant will not be disclosed without the complainant's written consent or a court order. The complainant is provided the opportunity to give written consent for the ombudsman to disclose his/her name to DCS on the complaint form.

Ombudsman Reports/Records

Pursuant to IC -4-13-19-5 (d) (1) and IC 4-13-19-5 (d) (2) upon completion of an ombudsman report or review if the complainant is a parent, guardian, custodian, CASA/GAL or Court they receive the same report as DCS. If they are not one of the parties listed above they receive a redacted version stating in general terms that the actions of DCS were or were not appropriate.

Records held by the ombudsman office are subject to the same confidentiality requirements as DCS prohibiting public disclosure. Ombudsman reports, records and communications are confidential pursuant to IC 31-33-18-1, 31-33-18-2 and IC 4-13-9(d)-(e). A party would be required to make a public records request to determine if any information could be disclosed.

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Information

Disclosing information about whether or not the ombudsman office has reviewed or investigated a certain matter is subject to ombudsman discretion. However, unless there are compelling reasons to keep this information confidential, this information can be made available upon inquiry.

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